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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,597	03/23/2004	Alan Francis Lippman	REALNET.107C1	2444

20995 7590 02/07/2007
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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/07/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/806,597

Applicant(s)

LIPPMAN, ALAN FRANCIS

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-12 are rejected under 35 U.S.C. 101 because Claims 1-12 recite the mere manipulation of data or an abstract idea, or merely solves a mathematical problem without a limitation to a practical application. A practical application exists if the result of the claimed invention is "useful, concrete and tangible" (with the emphasis on "result") (Guidelines, section IV.C.2.b). A "useful" result is one that satisfies the utility requirement of section 101, a "concrete" result is one that is "repeatable" or "predictable", and a "tangible" result is one that is "real", or "real-world", as opposed to "abstract" (Guidelines, section IV.C. 2.b)). Claims 1-8, 10 and 13-18 merely manipulates data without ever producing a useful, concrete and tangible result. In order to for the claimed product to produce a "useful, concrete and tangible" result, recitation of one or more of the following elements is suggested:

The manipulation of data that represents a physical object or activity transformed from outside the computer.

A physical transformations outside the computer, for example in the form of pre or post computer processing activity.

A direct recitation of a practical application;

Applicant is also advised to provide a written explanation of how and why the claimed invention (either as currently recited or as amended) produces a useful, concrete and tangible result.

Even if, arguendo, that the claimed invention has practical application, the application preempts the claimed adjusting the plurality of parameters because in effect, it recites every "substantial practical application" thereof. Therefore, claims are rejected as being non-statutory as preempting a law of nature.

The examiner suggests clarifying the claimed practical application so as to exclude recitation of every "substantial practical application" of the claimed law of nature.

3. Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 17-20 recites a computer-readable medium which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 9 and 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al (US Patent No. 6,469,745 B1).

In considering claim 1, Yamada et al discloses all the claimed subject matter, note 1) the claimed receiving at least a portion of the frames from the first sequence of video frames is met by the input signal 100 (Fig. 2, col. 1, lines 14-53), 2) the claimed measuring a plurality of differences between frames and their adjacent frames in the sequence and storing the measured differences is met by the subtracter 12, one-field accumulative adder 14 and the memory 23 for storing cumulative values of a plurality of fields (Fig. 2, col. 5, line 29 to col. 6, line 8), 3) the claimed associating the measured differences into a plurality of data groups according to predicted telecine patterns is met by the duplicate field detecting threshold value 303 stored in the memory 24 and the threshold value determining means 25 for detecting a non-duplicate field 304 (Fig. 2, col. 6, lines 8-55), and 4) the claimed performing a statistical analysis of the plurality of data groups is met by the duplicate field determining means 22 (Figs. 2-4, col. 6, line 8 to col. 8, line 39).

In considering claim 2, the claimed wherein the measurement of the differences between frames includes comparing every fourth pixel of a first frame to every fourth pixel of a second frame is met by col. 12, line 65 to col. 13, line 5.

In considering claim 3, the claimed wherein the measurement of the differences between frames includes computing a summation of an absolute sum of differences

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between pixels is met by the subtracter 12, the absolutizing means 13 and one-field cumulative adder 14 (Fig. 2, col. 5, line 29 to col. 6, line 8).

In considering claim 4, the claimed wherein the measurement of the differences between frames includes computing a summation of the square of the differences between pixels is met by col. 8, lines 40-59.

In considering claim 5, the claimed wherein the measurement of the differences between frames is further normalized according to a number of pixels per frame that are compared is met by col. 6, line 55 to col. 7, line 23.

In considering claim 6, the claimed wherein the measurement of the differences between frames is further saturated to a predetermined level is met by the threshold value PLx (col. 9, line 48 to col. 10, line 58).

In considering claim 7, the claimed further comprising: maintaining the stored differences in a collection, shifting the stored differences in the collection in response to a new measurement of differences between frames, and adding the new measurement of differences to the collection is met by the memory 23 (Fig. 2, col. 7, line 24 to col. 8, line 39).

In considering claim 9, the claimed wherein the statistical analysis includes a computation of a variance is met by the cumulative added square difference values (col. 8, lines 40-59).

In considering claim 11, the claimed further comprising varying a sample size of the measured differences analyzed in the plurality of data groups in response to a

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failure to detect the telecine pattern in a larger portion is met by col. 12, line 65 to col. 13, line 5.

In considering claim 12, the claimed further comprising varying a threshold used for detection of the telecine pattern at least in part based on a selected sample size is met by the threshold value PLx (col. 9, line 48 to col. 10, line 58).

Claims 13-15 are rejected for the same reason as discussed in claims 1-3, respectively.

Claim 16 is rejected for the same reason as discussed in claim 9.

Claim 17 is rejected for the same reason as discussed in claim 1.

Claim 18 is rejected for the same reason as discussed in claim 3.

Claim 19 is rejected for the same reason as discussed in claim 9.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (US Patent No. 6,469,745 B1).

In considering claim 8, Yamada et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the statistical analysis includes a computation of a mean. The statistical analysis includes a computation of a mean is old and well known in the art. Therefore, the Official Notice is

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taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known computation of a mean into Yamada et al's system in order to accurately detect duplicate fields in a telecinema signal.

In considering claim 10, Yamada et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the statistical analysis includes a computation of a standard deviation. The statistical analysis includes a computation of a standard deviation is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known computation of a standard deviation into Yamada et al's system in order to accurately detect duplicate fields in a telecinema signal.

Claim 20 is rejected for the same reason as discussed in claim 10.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 3, 2007



Trang U. Tran
Primary Examiner
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